

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Respondent,

No. CR S-99-0433 WBS GGH

vs.

CV S-07-1162 WBS GGH

SON VAN NGUYEN,

Movant.

ORDER

Movant, a federal prisoner proceeding pro se, has filed a motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

On October 2, 2008, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within twenty days. Movant was granted an extension of time to file objections to the findings and recommendations and has now done so.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 72-304, this court has conducted a de novo review of this case. Having carefully reviewed the entire file, the court finds the findings and recommendations to be supported by the record and by proper analysis.


Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed October 2, 2008 (Docket No. 1218), are adopted in full;

2. Movant's June 18, 2007 (Docket No. 860) and January 18, 2008 (Docket No. 1127) motions to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255 are dismissed without prejudice;

3. The Clerk of the Court is directed to close the companion civil case, No. CIV S-07-1162.

DATED: November 13, 2008



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE

/kly
nguy0433.805